

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE  
C.A. No. 04-0046  
2004 JUL 19 P 4:37

DONALD J. RICHARD  
Plaintiff

v.


INDUSTRIAL COMMERCIAL  
ELECTRICAL CORPORATION, INC.  
Defendant

U.S. DISTRICT COURT  
DISTRICT OF MASS.

**DEFENDANT'S OBJECTIONS TO CERTAIN PLAINTIFF'S EXHIBITS**

1. Plaintiff brings suit based upon the Consolidated Omnibus Budget Reconciliation Act ("COBRA") claiming entitlement to participate in his former employer's health care plan because of a qualifying event. *See* 29 U.S.C. § 1161 and ¶ 3 of Plaintiff's Verified Complaint with Request for Injunctive Relief. Defendant contends that a qualifying event did not occur because of the "gross misconduct" exception of 29 U.S.C. § 1163(2).
2. The sole issue for Plaintiff turns on whether Defendant's have met the "gross misconduct" exception of 29 § U.S.C. 1163(2).
3. To the extent that Plaintiff attempts to offer evidence of his health care costs, the material has no relevance to Plaintiff's case.
4. For the foregoing reasons, Defendant objects to Plaintiff entering into evidence:
  - a. Co-Pay cost for physicians and medications for Mrs. Richard; and
  - b. Prescription cost for medications taken by Mrs. Richard.

Defendant,  
By its attorney,

  
William J. Burns  
BBO# 637538  
1001 North Main Street #8  
Randolph, MA 02368  
(781) 961-6787

**CERTIFICATE OF SERVICE**

I, William J. Burns, attorney for the Defendant, hereby certify that I served a true copy of the above document upon the Plaintiff, through his attorney, by facsimile to 508-799-0478, as well as by first class mail on July 19, 2004.

  
William J. Burns